

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

MAURICE CARTER,

Plaintiff,

v.

WARDEN WHITE, et al.,

Defendants.

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CIVIL ACTION NO. 5:19-CV-298 (MTT)

ORDER

Plaintiff Maurice Carter, a state prisoner proceeding pro se, filed a motion to compel discovery under Federal Rule of Civil Procedure 26(a)(1)(B). Doc. 32. United States Magistrate Judge Charles H. Weigle denied Carter's motion pursuant to Rule 26(a)(1)(B)(iv), which exempts from Rule 26 initial disclosures actions brought by pro se litigants "in the custody of the United States, a state, or a state subdivision." Doc. 33. Carter moved for reconsideration and objection to the Magistrate Judge's order. Doc. 36.

The Court “may reconsider any pretrial matter [decided by the Magistrate Judge] . . . where it has been shown that the [M]agistrate [J]udge’s order is clearly erroneous or contrary to law.” 28 U.S.C. § 636(b)(1)(A); *see also Brown v. United States*, 748 F.3d 1045, 1055 (11th Cir. 2014); *Muhammad v. HSBC Bank USA, N.A.*, 399 F. App’x 460, 462 (11th Cir. 2010). Here, Carter has not made either of these showings. Carter argues that by denying his motion to compel, the Magistrate Judge ignored the “Haines doctrine.” Doc. 36 at 1-2. The Court construes Carter’s argument to mean that the Magistrate Judge ignored the ruling in *Haines v. Kerner*, 404 U.S. 519, 520 (1972). In *Haines*, the Supreme Court held that less stringent standards apply to pro se

complaints, and that pro se litigants such as Carter should be allowed the opportunity to offer supporting evidence. *Haines*, 404 U.S. at 520. But the Magistrate Judge actually extended the discovery period to December 5, 2020 from August 29, 2020. Docs. 30; 31. Therefore, the Magistrate Judge complied with the dictates of *Haines*.

Procedurally, Carter's motion for reconsideration comes in response to the Magistrate Judge denying his motion to compel. Doc. 33. However, in his motion, Carter presents a new argument that state prison officials refused to respond to his discovery requests. Doc. 36 at 2. Should Carter want the Court to address this new argument, he must raise it in a separate motion. Accordingly, Carter's motion for reconsideration (Doc. 36) is **DENIED**.

SO ORDERED, this 1st day of February, 2021.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT